

The Washington Post

Fed safety agency recommends banning cellphone use, texting by truckers, commercial drivers

By Associated Press, Published: September 13

LOUISVILLE, Ky. — No cellphones while driving, period. That's the rule the National Transportation Safety Board wants for millions of truckers and bus drivers.

The change proposed Tuesday would be among the most sweeping highway safety measures since the push for mandatory seat belts decades ago, but many truckers think it goes too far, especially because it would bar not only hand-held but hands-free devices.

The NTSB enthusiastically endorsed the ban after ruling on a fiery Kentucky wreck that killed a trucker and 10 people in a van on their way to a wedding. The board said the trucker was distracted by his hands-free cellphone.

NTSB Chairman Deborah Hersman said similar recommendations about phone use have already been made in aviation and for ship operators. CB radio use would not be affected.

"It may not be something that's widely embraced. This is not going to be popular. But, we're not here to be popular. We're here to do what needs to be done," Hersman said.

The NTSB lacks the authority to make such regulations. It sent its recommendation to the Federal Motor Carrier Safety Administration and all 50 states for action.

The U.S. Department of Transportation bars commercial drivers from texting while driving, and violators are subject to civil penalties of up to \$2,750. Some states ban everyone from using hand-held cellphones while driving.

The NTSB proposed in 2004 that the department prohibit commercial bus drivers from using cell phones in non-emergency situations while driving, but it wasn't until last December that the department proposed banning hand-held cell phone use for bus and truck drivers while operating a vehicle. A final rule is expected this fall.

"Texting or talking on the phone while driving can turn deadly in a matter of seconds, particularly when a big rig or a bus is involved," Transportation Secretary Ray LaHood said in a statement Tuesday. "There is no call or text message that is worth risking lives."

The DOT rule wouldn't apply to hands-free cell phone use even though some studies show it is as dangerous a distraction for drivers as talking on a hand-held phone. Drivers have a tendency to look at the phone instead of the road, the studies show. They also may be looking at traffic, but not registering what's happening because they are concentrating on their conversation.

The American Trucking Association, an industry lobbying group, supports a ban on hand-held phones and texting but not hands-free devices, said Boyd Stephenson, safety and security manager for the Arlington, Va.-based organization. Stephenson said there's no science backing up the idea that hands-free devices are a distraction like hand-held devices.

"The risks of texting while driving are beyond belief," Stephenson said.

Lynn Murphy, a 66-year-old St. Louis-based truck driver, agrees that drivers shouldn't use their phones while behind the wheel, but said they often call to get directions or instructions, both important to delivering a load on time and under high stress.

"They're attacking the wrong people," Murphy said as he took a break at a Shepherdsville, Ky., truck stop on Tuesday.

Jonathan Adkins, a spokesman for the Governors Highway Safety Association in Washington, D.C., said there's not enough science behind the proposed ban to push it through 50 state legislatures. He said employers should deal with the issue for now.

"It's going to be pretty difficult politically to get that kind of law through a state," Adkins said. "We're not there yet."

The proposed ban would cover commercial driver's license holders while they operate vehicles such as tractor-trailers, buses or tanker trucks. The recommendation covers highway commercial vehicles, not public transportation such as subways and trains.

Before its recommendation, the NTSB accepted its investigators' conclusion that trucker Kenneth Laymon caused a wreck March 26, 2010, on Interstate 65 near Munfordville, Ky. It said Laymon was distracted by his phone, though driver fatigue and the failure of cable barriers along the median also contributed to the crash.

Laymon's truck crossed the median, drove into the oncoming lanes and smashed head-on into a van carrying 12 people — a Mennonite family and friends — to a wedding in Iowa. Two young children in safety seats were the only survivors.

Laymon, 45, of Jasper, Ala., had just made a one-second call at the time of the early morning crash, and had been talking and texting in the hours leading up to it, the board said. Investigator David Rayburn said Laymon panicked and hit the brakes but didn't try to steer his tractor-trailer out of the median.

In an interview before the hearing, Misty Laymon said her husband was careful about using his phone while driving, even buying a hands-free device to ensure safety.

“I don’t want him perceived to be another incompetent driver who killed people,” she said.

She could not immediately be reached for comment after the hearing.

Federal authorities said Laymon had been off the road for two of the previous three days while his truck underwent repairs, but had only slept about four hours the night before the wreck, which happened roughly 13 hours and 437 miles after he left. Autopsy tests on Laymon came back negative for alcohol or drug use.

After the wreck, the Federal Motor Carrier Safety Administration shut down Laymon’s employer, Hester Inc., of Fayette, Ala.

Federal records show the agency conducted 194 driver inspections on drivers for Hester Inc. over 30 months. They resulted in 21 drivers being taken out of service for log book violations, exceeding the 11-hour driving limit or the 14-hour on-duty limit.

Hester has since been bought by FTS Fleet Services of Little Rock, Ark. The NTSB ruled that Hester essentially kept functioning under the guise of FTS, using the same trucks and employees. Federal Motor Carrier Safety Administration fined FTS \$35,000, which was suspended, and required FTS to pay Hester’s \$13,000 fine stemming from the fatal wreck.

Online: http://www.nts.gov/news/events/2011/munfordville_ky/presentations.html

Associated Press Writer Joan Lowy in Washington contributed to this report.

Associated Press writer Brett Barrouquere is on Twitter: <http://twitter.com/BBarrouquereAP>

Copyright 2011 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.